

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES M. CARR, SR.,

Plaintiff,

v.

JEFF NOBLE, et al.,

Defendants.

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Case No. 2:13-cv-00762

JUDGE ALGENON L. MARBLEY

Magistrate Judge Deavers

ORDER

This matter comes before the Court on the Magistrate Judge's December 12, 2017, **Report and Recommendation** (ECF No. 144), which recommended that Defendant's Motion to Dismiss for Failure to Prosecute (ECF No. 142) be granted and that the case be dismissed without prejudice.

The Report and Recommendation specifically advised the parties that the failure to object results in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. (*Id.* at 11–12). The parties have failed to file any objections, and the deadline for objections (December 26, 2017) has lapsed.

The Court hereby **ADOPTS** the Report and Recommendation based on the independent consideration of the analysis therein. The Motion to Dismiss is **GRANTED** and the action is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: January 4, 2018